

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 7-10 under the judicially created doctrine of double patenting over claims 8-10 of U.S. Patent No. 6,821,244.

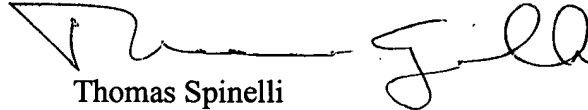
The Applicant respectfully disagrees with the Examiner's double patenting rejection. The Applicant respectfully submits that claims 8-10 of U.S. Patent No. 6,821,244 are directed to an endoscope in which a diameter of a metal tube is reduced during the formation of an insertion portion. In contrast, claims 7-10 of the present application are directed to a manufacturing method for an endoscope in which the length of the metal tube (claims 7-9) or pliable tube (claim 10) is extended. Therefore, claims 7-10 of the present application differ from claims 8-10 of U.S. Patent No. 6,821,244 in that (1) they are directed to different subject matter (i.e., a manufacturing method versus an endoscope) and (2) they are directed to different features (i.e., an extension of the metal tube (or pliable tube) versus a reduction in the diameter of the metal tube).

However, although the Applicant disagrees with the double patenting rejection of claims 7-10, in order to advance prosecution, Applicant files herewith a terminal disclaimer disclaiming any portion of the term of a U.S. patent which eventuates from the present application which extends beyond the term of U.S. Patent No. 6,821,244. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 7-10 under the judicially created doctrine of obviousness-type double patenting.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case,
the Examiner is requested to telephone the undersigned.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Thomas Spinelli', with a stylized flourish at the end.

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Encl. (Terminal Disclaimer)